

United States Bankruptcy Court
Southern District of Texas
ENTERED

OCT 20 1998

Michael N. Milby, Clerk of Court

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

HOMER JAMES MITCHELL and LAURA MITCHELL
15207 PEBBLE BEND
HOUSTON TX

CASE NO. 98-35738-H4-13

77068-0000

a/k/a

DATE: 10/14/98

Debtor(s)

SSN(1) 558-96-1526 SSN(2) 467-21-6469

ORDER CONFIRMING THE DEBTOR'S PLAN AND RELATED ORDERS

After notice and a hearing, wherein the Court considered the matters on file herein, including the Summary and Analysis of Chapter 13 Plan, the recommendation of the Chapter 13 Trustee, and any objections to confirmation of the Plan, the Court finds that the Plan meets the requirements of 11 U.S.C., Sec. 1325(a), and should be confirmed.

IT IS ORDERED THAT:

1. The Debtor's Plan is confirmed.

2. The Debtor shall pay the sum of \$ 765.00 per month to William E. Heitkamp, Trustee, payable in Houston, Harris County, Texas, on the 15th day of each month, beginning the 15th day of July , 1998, for a period of 54 months, or for a longer term if necessary to insure that all of the allowed claims provided for under the plan have been paid in accordance with the terms of the Plan, as modified by the terms of this order or other subsequent court order.

3. In addition to the monthly payments proposed by the debtor, the debtor shall contribute all refunds of prepaid federal income taxes in excess of \$500.00 per year, to which the debtor becomes entitled for any tax period ending prior to the date of the commencement of this case. Additionally the debtor shall contribute to the trustee for distribution to claimants under the plan, any tax refunds for the three calendar years ending after the date of the commencement of this case, to the extent the refund exceeds \$500 per year. The Internal Revenue Service is hereby authorized to send any refund checks directly to William E. Heitkamp, Trustee.

4. The Trustee shall make disbursements pursuant to provisions of the Plan as modified by this order, and Sec. 1326 of the Bankruptcy Code. The Trustee shall make disbursements monthly, unless otherwise provided by the Plan, but shall not be required to pay any dividend in an amount less than \$15.00. Dividends not distributed because of this provision shall accumulate, and be paid when such accumulation aggregates \$15.00 or more.

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5. The debtor(s) shall not incur additional debt during the term of this Plan except upon written approval of the Trustee. Failure to obtain such approval may cause the claim for such debt to be unallowable and non-dischargeable.

6. The order of payment, unless otherwise directed, shall be:

- a. The percentage fee fixed for the Trustee pursuant to 28 U.S.C. Sec. 586(e);
- b. Any unpaid claim of the kind specified in Section 507(a) of Title 11 U.S.C.;
- c. Creditors whose claims are timely filed and allowed in such order of preference as may be provided by the Plan.

7. The following secured claims are known to the Court at this time and are allowed as follows:

Name of Creditor -----	Claim or Sched. Amt. -----	Value of Collateral -----	Interest Rate -----	Monthly Payment -----
LIBERTY SAVINGS PAID DIRECT	93,518.44	125000.0	.00	1,120.00
LIBERTY SAVINGS TERM - 49 MONTHS	4,978.22	125000.0	10.50	126.00
MARILYN LEE PAID DIRECT	5,000.00	EXC. CLAI	.00	200.00
MARILYN LEE TERM - 49 MONTHS	1,860.00	EXC. CLAI	10.50	47.00
G M A C*** TERM - 49 MONTHS	20,252.93	16438.0	18.00	480.00

The following secured claims are dealt with pursuant to 11 U.S.C. Sec. 1325(a)(5)(C):

Name of Creditor -----	Claim Amt or Sch. Amt -----	Value of Collateral -----	Creditor Comment -----
NONE			

The Debtor abandons all interest in the collateral securing the claim and will surrender possession thereof upon confirmation of the Plan.

8. This order may be entered prior to the expiration of the time within which claims may be filed. This order shall establish conclusive findings as to the value of a creditor's interest in the estate's interest in property securing a creditor's claim and shall be reviewable on such issue only upon a showing that the party seeking review had no reasonable notice of the valuation or the confirmation hearing. Except where limited by a determination of the value of the

creditor's interest in the estate's interest in the collateral securing a claim, contained in this order, or a subsequent court order, the amount of a secured claim shall be determined pursuant to 11 U.S.C. Sec. 502.

9. In the event a claim is timely filed, and its treatment is not specifically addressed in either the plan or this order, the Trustee may either seek a modification of the plan, pay the claim, if doing so will not unfairly prejudice other creditors, or may seek a dismissal of the case if knowledge of the existence of the claim would have prevented the Trustee from recommending confirmation of the Plan at the time of the confirmation hearing.

10. The following special conditions apply to the Plan:

VARIABLE PLAN PAYMENTS SHALL BE MADE AS FOLLOWS:
MONTHS 1 THROUGH 3 \$ 675.00 MONTHS 4 THROUGH 54 \$ 765.00.

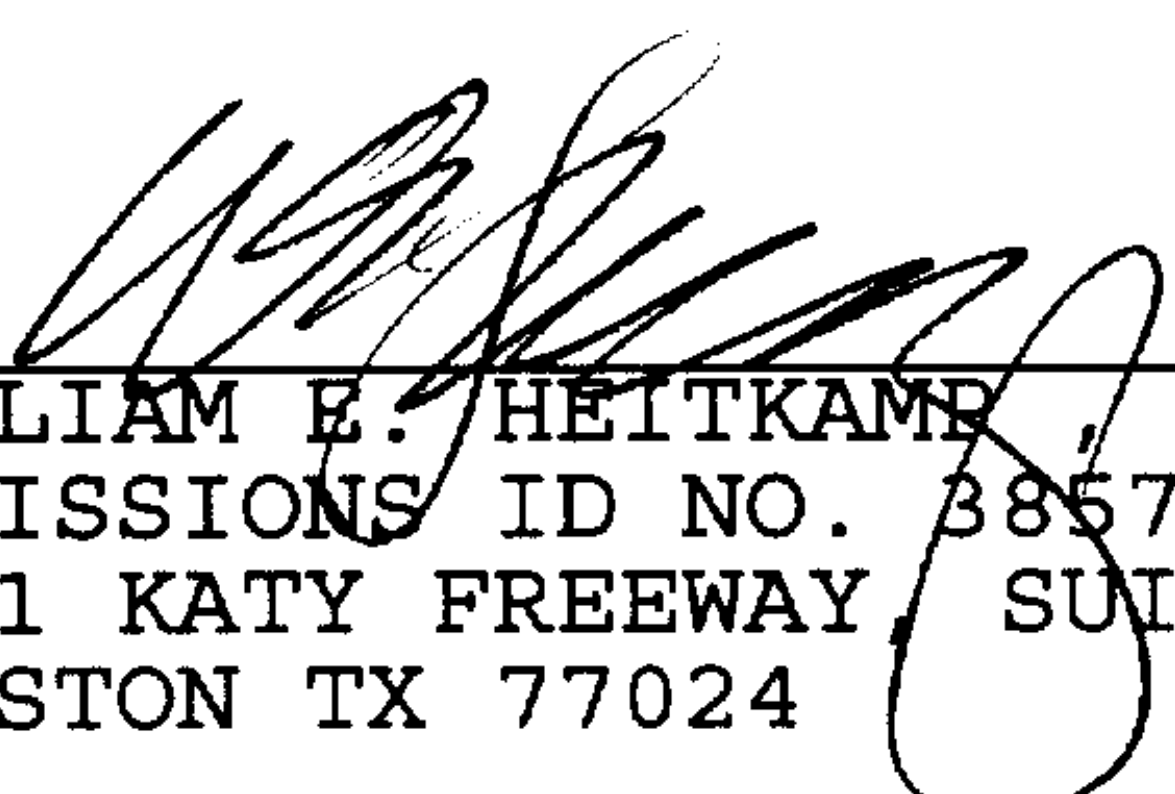
CONFIRMATION OF THE DEBTOR'S CHAPTER 13 PLAN SHALL NOT BE CONSTRUED AS APPROVAL OF THE FEES CHARGED BY THE DEBTOR'S ATTORNEY.

11. Each secured creditor described herein shall retain the lien existing prior to the commencement of the case to secure payment of the allowed amount of its secured claim.

Signed this 19th day of October, 1998.


U.S. BANKRUPTCY JUDGE

APPROVED:


WILLIAM E. HEITKAMP, TRUSTEE
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